

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JOSH DONLEY,

Plaintiff,

vs.

KATHY DANIELS and C/O
MONTELONGO,

Defendants.

NO. CV-11-5001-CI

ORDER ADOPTING REPORT AND
RECOMMENDATION AND
DISMISSING COMPLAINT

1915(g)

Magistrate Judge Imbrogno filed a Report and Recommendation on May 19, 2011, recommending Mr. Donley's Complaint be dismissed with prejudice under 28 U.S.C. §§ 1915(e)(2) and 1915A(b)(1). A copy of the Report and Recommendation was sent to Plaintiff at the Clallam Bay Correction Center. There being no objections, the court **ADOPTS** the Report and Recommendation. The Complaint is **DISMISSED WITH PREJUDICE** for failure to state a claim upon which relief may be granted.

Pursuant to 28 U.S.C. § 1915(g), enacted April 26, 1996, a prisoner who brings three or more civil actions or appeals which are dismissed as frivolous or for failure to state a claim will be precluded from bringing any other civil action or appeal *in forma pauperis* "unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g). **Plaintiff is advised to read the new statutory provisions under 28 U.S.C. § 1915. This dismissal of Plaintiff's complaint may count as one of the three dismissals allowed by 28 U.S.C. § 1915(g) and may adversely affect his ability to file**

1 future claims.

2 **IT IS SO ORDERED.** The District Court Executive is directed to enter this
3 Order, enter judgment, forward copies to Plaintiff at his last known address, and close
4 the file. The District Court Executive is further directed to forward a copy of this Order
5 to the Office of the Attorney General of Washington, Criminal Justice Division. The
6 court certifies any appeal of this dismissal would not be taken in good faith.

7 **DATED** this 14th day of June, 2011.

8 *s/Lonny R. Suko*

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10 LONNY R. SUKO
11 UNITED STATES DISTRICT JUDGE
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